

HOUSE BILL No. 1569

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-11-5.

Synopsis: Uniform voting systems. Requires the Indiana election division to issue a request for proposals before January 1, 2002, to assist the commission in determining the best voting system for use in Indiana. Requires the commission to determine before January 1, 2003, what the best system is for use in Indiana using the factors and evaluation criteria in the request for proposals. Provides that after January 1, 2004, only the voting system determined by the commission that best meets all of the factors in the request for proposals may be used in an Indiana election. Makes conforming changes in the statutes. Repeals statutes inconsistent with the use of a single voting system in Indiana.

Effective: July 1, 2001.

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January 17, 2001, read first time and referred to Committee on Elections and Apportionment.

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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 1569

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-11-5-1 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2001]: Sec. 1. **(a) Before January 1, 2002, the**
3 **election division shall issue a request for proposals to vendors of all**
4 **voting systems to provide one (1) voting system for use in Indiana.**

5 **(b) The request for proposals must contain the following**
6 **information:**

7 **(1) The factors and criteria that will be used in evaluating the**
8 **proposals. The following factors must be contained in the**
9 **request for proposals:**

10 **(A) Reliability of the voting system.**

11 **(B) Efficiency of the voting system.**

12 **(C) Ease of use of the voting system by voters.**

13 **(D) Public confidence in the voting system.**

14 **(E) Requirements for a voting system established by this**
15 **chapter.**

16 **(F) Other factors the commission considers important for**
17 **inclusion in the request for proposals.**



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(2) A statement concerning the relative importance of the evaluation factors.

(3) Other information the commission directs the election division to include in the request for proposals.

(c) Not later than January 1, 2003, the commission ~~must approve any form of before it shall do the following:~~

(1) Determine which voting machine system best meets all of the factors in the request for proposals using the evaluation criteria stated in the request for proposals.

(2) Make recommendations to the general assembly for changes in the statutes to implement the determination made under subdivision (1).

(d) After January 1, 2004, a voting system other than the voting system approved under this chapter may **not** be used at an election in Indiana.

SECTION 2. IC 3-11-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7. The commission may not approve a voting machine system unless the machine system meets the specifications in sections 8 through 20 of this chapter.

SECTION 3. IC 3-11-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8. A voting machine system must insure secrecy to a voter in the act of voting.

SECTION 4. IC 3-11-5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 9. A voting machine system must provide facilities that will permit votes to be cast for any candidate at any election and for or against any public question.

SECTION 5. IC 3-11-5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10. ~~(a)~~ A voting machine system must permit a voter to vote:

(1) except at a primary election, for:

(A) all the candidates of one (1) political party;

(B) one (1) or more candidates of each political party;

(C) one (1) or more candidates nominated by petition under IC 3-8-6; or

(D) a write-in candidate; ~~unless the procedures in subsection (b) are followed;~~

(2) for as many candidates for an office as the voter may vote for, but no more;

(3) for or against a public question on which the voter may vote, but no other; and

(4) for all the candidates for presidential electors of a political party or an independent ticket at one (1) time.

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(b) In a precinct using voting machines that do not permit write-in votes, the precinct election board shall provide a paper ballot to a voter who requests to cast a write-in vote. After such a request, a poll clerk, an assistant poll clerk, or a member of the precinct election board shall:

- (1) require the voter to sign the poll list; and
- (2) inform the voter of the procedure that must be followed to cast a write-in vote.

SECTION 6. IC 3-11-5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 11. A voting **machine system** must prevent a voter from voting for the same candidate, or for or against the same public question, more than once.

SECTION 7. IC 3-11-5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 12. A voting **machine system** must be adjustable for use in a primary election so that a voter may not vote for a candidate except those seeking nomination as candidates of the voter's political party.

SECTION 8. IC 3-11-5-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 13. A voting **machine system** must correctly register and accurately count all votes cast for each candidate, and for or against each public question.

SECTION 9. IC 3-11-5-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 14. A voting **machine system** must be designed so that it can be determined whether the machine has been unlocked and operated after once being locked.

SECTION 10. IC 3-11-5-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 15. A voting **machine system** must show at all times during an election how many voters have voted by a device referred to as a public counter.

SECTION 11. IC 3-11-5-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 16. A voting **machine system** must have a counter indicating the number of votes cast for each candidate and for or against each public question that can not be seen or tampered with without unlocking a covering device that can not be unlocked by a key that unlocks any other part of the machine. When the counters are exposed the machine must be designed so that it can no longer be placed into condition for operation without the use of a special key, which must not be in the possession of the election officers at the polls. If this specification has the effect of eliminating from consideration any other make of ~~machine~~, **voting system**, this section does not apply.

SECTION 12. IC 3-11-5-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 17. A voting **machine**

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system must have an operating device and operating mechanism that may be locked before the time for opening the polls and after the time for closing the polls.

SECTION 13. IC 3-11-5-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 18. A voting **machine system** must be accompanied by a ~~mechanical~~ model illustrating the manner of voting on the ~~machine~~; **system** suitable for the instruction of voters.

SECTION 14. IC 3-11-5-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 19. ~~A Each completely functioning unit of a~~ voting **machine system** must bear a number that will distinguish it from any other ~~machine~~; **unit**.

SECTION 15. IC 3-11-5-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 20. A voting **machine system** must have the frames in which ballot labels are placed constructed with transparent protective devices, in order that the names can not be mutilated or altered.

SECTION 16. IC 3-11-5-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 21. Section 7 of this chapter does not prevent the approval of a new or improved type of voting **machine system** that renders unnecessary or obsolete one (1) or more of the specifications in sections 8 through 20 of this chapter.

SECTION 17. IC 3-11-5-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 22. A county executive ~~may adopt and shall~~ purchase or procure ~~a the~~ voting **machine system** ~~only after determining that the machine:~~

- (1) ~~complies with~~ **approved for use under** this chapter.
- (2) ~~is thoroughly reliable and correct in its operation;~~
- (3) ~~is readily understood and operated;~~
- (4) ~~cannot be fraudulently manipulated; and~~
- (5) ~~will unquestionably maintain the secrecy of the ballot.~~

SECTION 18. IC 3-11-5-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 25. The circuit court clerk is responsible for the care and custody of ~~all the~~ voting **machines system** while not in use.

SECTION 19. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2001]: IC 3-11-5-2; IC 3-11-5-3; IC 3-11-5-4; IC 3-11-5-5; IC 3-11-5-23; IC 3-11-5-24; IC 3-11-5-26.

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